

REMARKS

By this Amendment, Applicant rewrites claim 3 in independent form including all limitations of its base claim 1, and cancels claim 1 without prejudice or disclaimer of the subject matter thereof. Applicant also amends claim 3 to further define the invention. Claims 2-13 remain currently pending.

In the Office Action, the Examiner allowed claims 2 and 5-13 and rejected claims 1, 3, and 4 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,003,315 B2 to Kiyomoto et al. ("Kiyomoto").¹

Applicant thanks the Examiner for allowing claims 2 and 5-13. Applicant respectfully traverses the Examiner's rejection under § 102(e).

In order to anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 3, as amended, recites a combination including, for example, "second setting means for setting the duration of a second wakeup period as the next reception target to a second time period longer than the first time period if it is determined on the basis of the comparison result obtained by the comparison means

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

that the detected reception quality is less than the first threshold.” Kiyomoto fails to disclose at least these features recited in amended claim 3.

Kiyomoto teaches that “[i]n this first standby state, the first system reselection control section 12a detects the received field strength (RSSI) and E_c/I_o of a reception signal coming from the base station of the system which has established synchronization. . . . This reception quality monitoring is performed for each slot of the reception signal. If the reception quality continuously deteriorates over a predetermined number of slots (e.g., four slots) or more, the first system reselection control section 12a executes a first system reselecting process. This first system reselecting process selects a system regardless of the priority order of selection of each system.” Kiyomoto, column 5, lines 37-51, emphasis added.

Therefore, Kiyomoto's teaching of system reselection in the standby state does not constitute “setting the duration of a second wakeup period,” as recited in claim 3. Further, Kiyomoto teaches monitoring the reception quality for “each slot of the reception signal,” a fixed time period, which certainly cannot constitute “setting the duration of a second wakeup period as the next reception target to a second time period longer than the first time period,” as recited in claim 3. In fact, Kiyomoto explicitly states that “[t]his detection is periodically performed at a predetermined interval (e.g., 3 minutes).” Kiyomoto, column 5, lines 61-62.

The Examiner alleges that “Kiyomoto discloses the comparison process and the setting means for setting a duration of a wakeup period as a next reception target for some predetermined times based on a threshold (refer to col. 6/line 31 to col. 7/line 6 & col. 7/lines 24-44).” (Office Action at 3.) Applicant respectfully disagrees.

In the sections cited by the Examiner, Kiyomoto teaches a threshold “to select a system having the second highest priority order of selection and repeat the processes of detecting and determining the RSSI and Ec/Io.” Kiyomoto, column 7, lines 37-39, emphasis added. However, reselecting a system according to priority order in Kiyomoto does not relate to “setting a duration of a first wakeup period as the next reception target to a first time period” and “setting the duration of a second wakeup period as the next reception target to a second time period longer than the first time period,” as recited in amended claim 3 (emphasis added).

Moreover, Kiyomoto explicitly requires that “a plurality of systems (three systems are shown in FIG. 3) operated independently of each other form radio areas ES1, ES2, and ES3.” Kiyomoto, column 3, lines 9-11. Such teaching is contrary to “alternately sets a wakeup period and a sleep period in a standby state in a single system,” as recited in amended claim 3 (emphasis added) and thus cannot constitute such claimed features recited in claim 3. Further, Kiyomoto’s teaching of reselecting a system among “a plurality of systems” cannot constitute the claimed setting “a wakeup period and a sleep period in a standby state in a single system,” as recited in amended claim 3 (emphasis added).

Therefore, Kiyomoto fails to disclose each and every element of amended claim 3. Kiyomoto therefore cannot anticipate claim 3 under 35 U.S.C. § 102(e). Accordingly, Applicant respectfully requests withdrawal of the Section 102(e) rejection of claim 3. Further, because claim 4 depends from claim 3, Applicant also requests withdrawal of the Section 102(e) rejection for at least the same reasons as stated above. Because claim 1 has been canceled, the Section 102(e) rejection of claim 1 is moot.

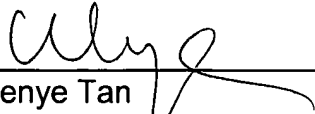
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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